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Gary S Williams
Pennie & Edmonds LLP
3300 Hillview Avenue
Palo Alto, CA 94304

EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT

PAPER NUMBER

2171

DATE MAILED: 08/29/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.
09/802,114

Applicant(s)
Larsson et al

Examiner
Etienne P LeRoux

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2171



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 14, 2003
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Mar 8, 2001 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by USPAT

6,442,576 issued to Edelman et al (hereafter Edelman '576).

Claims 1, 7 and 12:

Edelman '576 discloses:

- receiving the search query [message sent to object, col 7, line 39]
- transmitting a text representation of each of the qualifying records for display to a user [Fig 8, 200, 204]
- transmitting a representation of a non-text object in relation with the text representation of each qualifying record that includes an object comprising at least one predetermined attribute [object size [col 9, line 45] for display to the user [Fig 8, 202]

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Regarding claims 2, 8 and 13, Pat '576 discloses an object comprises an image [Fig 1, 101]

Regarding claims 3, 9 and 14, Pat '576 discloses a web page [col 1, lines 15-20].

Regarding claims 4, 10 and 15, Pat '576 discloses the object is displayed next to the text representation of the record to which it corresponds [Fig 1, 102]

Regarding claims 5, 11 and 16, Pat '576 discloses each object is displayed directly below the text representation of the record to which it corresponds [Fig 1, 104]

Regarding claim 6 and 17, Pat '576 discloses a sound file [abstract]

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPAT 6,442,576 issued to Edelman et al (hereafter Pat '576) in view of USPAT 6,505,191 issued to Baclawski (hereafter Pat '191).

Regarding claim 18, Pat '576 discloses the essential elements of the claimed invention per paragraph 2 above except for an indexing module. Pat '191 discloses an indexing module

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[abstract]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '576 to include an indexing module as taught by Pat '191 for the purpose of providing an information retrieval system that is highly scalable, versatile, robust and economical [col 3, lines 35-37]

Regarding claim 19, Pat '576 discloses an object comprises an image [Fig 1, 101]

Regarding claim 20, Pat '576 discloses a web page [col 1, lines 15-20].

Regarding claim 21, Pat '576 discloses the object is displayed next to the text representation of the record to which it corresponds [Fig 1, 102]

Regarding claim 22, Pat '576 discloses each object is displayed directly below the text representation of the record to which it corresponds [Fig 1, 104]

Response to Arguments

5. Applicant's arguments filed 8/14/2003, have been fully considered but they are not persuasive.

Applicant states on page 8, "Applicants do not believe that the '576 patent, nor any of the art cited by the examiner, discloses transmitting a representation of a non-text object in relation with the text representation of each qualifying record that includes an object comprising at least one predetermined attribute for display to the user."

Examiner is not persuaded. Pat '576 in column 2, lines 40-50, discloses:

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One class of element includes image elements where each image element has a Uniform Resource Locator (URL) address. For this class, a default base class find function is used, as the image class does not contain any other elements. However, the image element has an overridden matching function which detects whether a target element belongs to the image class of elements, and if so, checks for matching URL addresses and other attributes such as image sizes.

Furthermore, Pat '576 in column 9, lines 30-50 discloses the following:

In this manner, the system allows users to search for and replace any object that can selected-including text, images, movies, sounds, and objects such as form controls, buttons, and links. Any objects can be selected, including embedded objects such as links, form buttons, controls, text, and others. The user can simply drag the selection, copy and paste the selection, or directly compose the selection into the Find dialog box. The selection graphically appears in a miniaturized form to provide a visual feedback to the user. The user can then specify whether the search is to be performed over the entire document, or only on designated objects. Further, the engine accepts search constraints, including the Case constraint to match the case (upper or lowercase) of the selection, the Style constraint to match the typeface style of the selection, the Whole Word constraint to match the selection to occurrences as whole words, and the Object Size constraint to match the size of the original object. Additionally, the user can replace the found selection with something else (text, an image, or others), enter, drag, or copy and paste the replacement item in the "Replace With" text box.

Examiner maintains above plurality of references to image elements, image class and image sizes reads on the claimed "transmitting a representation of a non-text object in relation with the text representation of each qualifying record that includes an object comprising at least one predetermined attribute for display to the user."

Applicant states on page 9 "The office action alleges that the '576 patent and the '191 patent in combination disclose all of the element of claim 18. As discussed with the examiner in the July 28, 2003 telephone interview, neither the '576 patent nor the '191 patent disclose a

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system for indexing records in an index of an information network wherein an indexing module searches a record received by a web browser for a link to an object comprising at least one specified attribute and wherein a representation of the object is stored in association with the corresponding indexed record.

The patent '191 in the abstract teaches the following:

A distributed computer database system includes one or more front end computers, one or more home nodes, one or more index nodes and one or more object nodes interconnected by a network into a search engine for retrieval of hypertext documents. A query from a user is transmitted to one of the front end computers, which forwards the query to one of the home nodes, of the search engine. The home node parses the query into one or more elementary queries and schedules the elementary queries for processing. Each elementary query can be one of a number of types, including an index query, a link query or an object query. To process an index query or link query, the home node extracts features from the index query or link query, fragments the extracted features into feature fragments, and hashes these features. Each hashed feature fragment is transmitted to one index node on the network. Each index node on the network that receives a hashed feature fragment uses the hashed feature fragment of the index query or link query to perform a search on its respective partition of the database. The results of the searches of the local databases are gathered by the home node.

Examiner maintains above excerpt from Pat '191 reads on "indexing records in an index of an information network wherein an indexing module searches a record received by a web browser for a link to an object comprising at least one specified attribute." Examiner is unable to respond to wherein a representation of the object is stored in association with the corresponding indexed record as this is not a claim limitation included in claim 18.

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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne (Steve) LeRoux whose telephone number is (703) 305-0620.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached at (703) 308-1436.

Any inquiry of a general nature relating to the status of this application or processing procedure should be directed to the receptionist whose telephone number is (703) 305-3900.

Etienne LeRoux

August 27, 2003


SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100